

THREE

Great Questions

Concerning the

SUCCESSION

AND THE

Dangers of Popery,

FULLY EXAMIN'D.

IN A

LETTER

TO A

MEMBER of this Present PARLIAMENT.

LONDON, Printed for M. R. 1680:

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Three great QUESTIONS, &c.

THere never did, nor perhaps ever will come, a matter of greater importance, taking in all circumstances, before a Parliament, than the of late much agitated business of Succession; upon the right stating whereof, the present and future quiet and prosperity, of this poor distracted Nation, does inevitably depend. I cannot therefore, Sir, but extremely commend your resolution, and wish the same to all your Fellow-Members, of considering fully so momentous an Affair; wherein, that I may give you all possible satisfaction, I will in their order lay before you my naked sense upon every of your questions, viz. 1. Whether the Parliament have Power to alter the Succession? 2. Allowing that they have, whether the reasons on which the late House of Commons proceeded against the *D.* to wit, his departure from the Church of *England* to that of *Rome*, and thereby giving Birth and Life to the late damnable and Hellish Plot, be sufficient? 3. What dangers the Nation will be under in case the Crown descends upon a Popish Successor, or more particularly upon his *R. H.* These Questions are great and weighty, and their solution requires not only great prudence and judgement, but great courage and honesty; I wish I could be equally confident, I should not be found wanting in the former, as I am certain I shall not in the later. But that I may no longer keep you from passing your own censure in both instances, I desire, you will consider seriously, not only the frame and constitution of the *English* Laws, but likewise those of Nature; for on the due consideration of both, the true Answers to your Questions must be founded.

Man was no sooner brought into the World, than he found he could not preserve his being, nor attain the end ont's happiness, without entring into society; nor yet, having entred into society without a strict observance of compacts and agreements; that all men, having a natural equal right to all things, there could be no Society without Government and order: That to secure this State, it was necessary, Men should not only keep their Promises, and speak truth with their Neighbours, but submit themselves to a Governour, sufficiently impowered in all disputes, to force their compliance to his final sentence and determination; it was requisite to put into his hand an unlimited absolute Power, because otherwise it could not be supreme, nor

he their Governour : For the exercise of this, they chose the most wise, honest, and couragious Person, binding him to no other Law, than what in reason and conscience he should find most conducing to the good of the Community, founded upon that Golden and Eternal Law of Reason, of Nature ; of doing to all Men as you would be done unto. For passion and self-interest disabling Men from judging aright in their own cases, they wisely made a man without private interest, themselves agreeing to support his expences, and thereby placing him above controversies of his own, he became an impartial common Father, not possible to be more kind or indulgent to one than to another, while they continued equally obedient. Now, because their attendance upon labour would incapacitate themselves, and that one could not have a better pretence than another, they also agreed that the Empire should be hereditary ; considering that not only instruction which none else could give, but likewise the virtues of the Father might with the blood be transmitted to the Childre;

——— *Sed diu*

*Lateque vittrices caterva
Consiliis juvenis revicta,
Sensere quid mens rite, quid indoles
Nurrita faustis sub penetralibus
Posset, quid Augusti paternus
In pueros animus Neronis.
Fortes creantur fortibus, & bonis :
Est in juvenis, est in equis patrum
Virtus : nec imbellem feroces
Progenerant aquila columbam.
Doctrina sed vim promovet instam
Rectique cultus pectora roborant.* Hor. l. 4. Car. Ode. 4.

But even they, who spread their Arms so far,
Arms used as much to Victory as War,
By the brave Tough o'recome, were taught to know
What a great mind, as greatly bred cou'd do :
What mighty things by him must needs be wrought,
Whom Nero got, and whom Augustus taught.
Courage and virtue in the blood are sown,
Nature in this her self has equal shewn :
The brave are Sparks but of their Fathers Fire,
In Beasts we see the virtue of the Sire ;
Nor does the Kingly Bird, belov'd of Jove,
Stain his great Race, and hatch a feeble Dove.
Education urges on to deeds,
The inbred virtue sleeping in it's seeds,
With nobler thoughts inspires Heroick minds,
And strengthens all the greatness that it finds.

a Rule that can no more faile in Men, than in Beasts, but when interrupted by some very accountable accidents.

Wisdom having thus brought men from the state of War and Poverty, into a condition of peace and plenty, tis plain nothing but folly and madnes can disturb or destroy that happiness. 'Tis then very evident that whether you consider Mankind like mushrooms sprung up in the night, as the Poets Fable of the *Dragons Teeth* slain by *Cadmus* and sown in the ground, the Foundation of *Hobbs's* fancy, as before him of *Aristotles*; or deduce as more consonant to reason and Scripture, his origine from one Man; the grounds of Government and Obedience must stil have been the same, and founded upon the foregoing considerations; whence it will evidently appear that in all parts of the World Empire must have been Monarchical at the beginning. To this truth not only profane, but sacred story bears Testimony. *Principio rerum*, sayes an Author of great credit, *gentium nationumque imperium penes Reges erat*: And where ever in the old Testament Government is spoken of, whether of the *Jews* from *Adam* downwards, or of the Neighbour Nations, even of such little ones, as were confined within Walls, as of *Jericho*, *Tyre*, and *Sidon*, there is no mention but of Kings, and single Rulers, till after the death of *Moses* and *Joshua*; when the Tribes dividing from their common bond, began to set up Chiefes and Heads of their own degenerating by degrees from Monarchys, their primitive institution; but meeting with ill success in all their changes, they begg'd at last to have, like other Nations a King to go in and out before them. This having been, and still being the most general, we may safely conclude it, the best of all constitutions: But as there is nothing certain, nor fix'd in the Universe, but all things in perpetual fluctuation, so the manner of Dominion has met with many changes and revolutions, in the several Ages and parts of the World, according to the prudence or imprudence of Governours, and other concurring accidents. From one where the power was first vested, it fell into the Hands of a few, and from the few into the hands of many, where finding no resting place, but soon falling into Anarchy and confusion, it wheel'd about again to it's first form; and yet even there, the unsteady course of humane affairs, permits it no longer to continue, than till the unequal courage and vertues of the Successors, make way for the incroachments of the Ambitious, or the folly and madnes of the giddy multitude, to give it fresh rounds and turns: So that if a man would examine things strictly, he would find more reason to give to every of the Governments of the World, rather the name of a fluctuating Oligarchy, than that by which they are commonly called; for upon exact scrutiny it would perhaps be found, that even the most absolute Monarchs admit some He or She Privadoes, or Co-partners into the management of their Scepters. In the beginning the burden of a Crown was not so heavy, nor the cares so many, as to need Advisers, or Supporters; then Integrity was so great in Prince and People, that his will, was their undisputed law, the emergent Dictates of his pleasure, no written constitutions,

tions, silenc'd all their controversies : *Populus nullis legibus tenebatur ; arbitria Principum pro legibus erant.* But after upon the great increaſe, and ſpreading of mankind the Princes found it neceſſary (as *Jeſu*, *Moses* Father in Law had done in the caſe of the *Jews*) to diſtribute ſome part of their power, but with dependence upon themſelves, among the Elders, chief and wiſeſt of their people ; and to conſult with them, at their pleaſure, in all the weighty Affairs of ſtate. Hence came the *Egyptians Magi*, not Conjurers. as is commonly received, but *Aſtronomers* and Counſellors of State, the beſt Judges of *meum* and *uum*, in a Country, where thoſe boundaries were often interrupted, by the overſlowings of *Nilus* ; to this likewiſe are owing the *Eastern Monarchs*, *Sophies*, Colledges of wiſe and diſinterreſſed Philoſophers, and ſtudying and employ'd in the good of their Countreys, as well thoſe of *China*, *Indoſtan*, or the great *Mogul* ; the *Tartars*, and the *Persians*, as of others : After whoſe Examples the *Turks* inſtituted their *Divans*, practiced by the Emperours of *Fez* and *Morocco*, and by all the reſt of *Africa*. The ſame reaſons gave the *Ethiopian* Priests, and the *Druids* (of the *Gauls* and *Brittains*, originally the ſame people.) their power, and to the *Jews* their Sanhedrim ; to the *Germans* their *Dyets*, and to the *Romans* their Senate, to the *Pope* as a temporal Prince, his Colledge of Cardinals, to the *Saxons*, our immediate Anceſtors, not to inſtance in more their *Wittena Gemot*, or great Council, ſince the *Norman* conqueſt alter'd in Name, and other circumſtances ; though not in the foundation, to that of our preſent Parliaments. In all which 'tis very obſervable, that the Priests the *Flamens*, and *Archilaemens*, (for ſuch there were among the moſt barbarous, who had their glimmerings of a future life,) always held the firſt form, and were in the management even of State Affairs, of greateſt credit. But to paſs by the reſt, and come to our own, in which we are moſt immediately concern'd, we ſhall find that upon the *Roman* Empires going to wrack, and their Colonies with many of the Natives being hence drained, to ſupport it's tottering State ; there aroſe a contention between the *Brittains* and the *Picts*, for the dominion of this iſland ; they were both originally the ſame people, but the *Picts* contemning the vaſſalage and the Cuſtoms of the *Romans*, to which the other had ſubmitted, fled into the extremeſt parts called *Scotland*, from the *Iriſh* Inhabitants, who were anciently known by no other Name, and now returning with aſſiſtance, were too hard for the *Brittains*. Hereupon they were forced to intreat the help of the *Saxons*, a Warlike people of *Germany*. The motion being communicated by *Hengiſt*, to whom it was firſt made, they embraced it, conditionally they might have the continuance of their own Laws and Cuſtoms, and the conquer'd Country equally divided among the Adventurers ; for they undertook not the voyage, ſo much with deſign of aſſiſtance to others, as of advantage to themſelves. *Hengiſt* furniſhing this to the Leaders, they ſoon aſſembled and drew together 9000 men, beſides Women and Children. On the confines of the River *Elbe*, as their Neighbours the *Franks* had done before, on the Banks of *Sala* ; and as theſe did here

so did they there, enact by mutual agreement, the performance of those Articles, appointing that *Hengist* and his line should be their Leaders, and their Kings; reserving to themselves, the power of choosing a new Monarch, only upon the failure of his issue. Accordingly they set sail, and soon arriving in *England*, had first the Isle of *Thanet*, and after *Kent* assigned for their Province; after many bickerings, fresh supplies, and inundations of their own People, they at last not only drive out the *Picts* and *Scots*, but even the *Brittains*; forcing them into the remote part of *Wales* and *Cornwall*; the certain consequence of unnatural civil Wars, and dissensions; where the contending Parties ever become loofers, making way for some stranger, or third Person to snatch away the prize. Policy would have taught the *Brittains* that Leagues with an overpowerful State always prove destructive to the weaker; and that they could not reasonably have expected, from foreign assistance, any other fate than that of the Lamb in the fable, who calling for the Lyons aid against the Wolf, had only the pleasure of seeing him first chased away, and himself immediately after devoured; or then that of the Mouse and the Frog, who while striving with each other for the mastery gave the Kite an opportunity of sweeping away both. Not to instance more remotely, it was this that soon after upon the *Saxon* divisions, encouraged the invasion of the *Danes* and gave *England* to the *Normans*, and *Ireland* to the *English*: And not long since while King and Parliament were disputing for the supremacy, Liberty, and Prerogative made the way for others to destroy both, and instead of an excellent well temper'd Government to set up an intolerable, and most arbitrary Tyranny. I hope the sense of the unexpressible calamities, under which the Nation then groan'd, will teach us to avoid such miseries for the future; another civil War, being like without a miracle, to enslave us to a Tyrant of another Nation, which like the Devils entering in a second time, wou'd make our later condition, seven fold worse than the former; from which in all appearance, nothing but Providence, and a Spirit of moderation, and concord, can defend our Country.

The *Saxons* having at length gain'd the Victory, pursu'd their resolutions, even during the Heptarchy, as far as the frequent and almost continued Wars would permit: after the stronger had swallowed up the rest, they centured in a single Monarchy; and in the Person of *Alfred*, collected into one body the substance of their Laws, attempted before in part by *K. Ina*: And yet to be met with in *Lambert*. The Execution of these by the after incursions of the *Danes* being interrupted they were at last methodiz'd by the Confessor; upon whose death, the *Normans* possessing the Crown, they were rejected, and the usages of their own Country, and the effects of their Princes will in their stead imposed upon the people; who stomaching their being thus enslaved, after long grumblings, and often calling to be ruled by the Laws of holy *Edward*, they had by fits the restoration of them in great measure, especially in the first *Harry's* days, the better to secure his Usurpation: But that not continuing

tinuing, at length a Rebellion broke forth, and produced the confirmation of them, in the great Charter, or *Magna Charta*; which in the main, as the best Lawyers will tell you, is nothing else but the repetition, or exemplification of their old Ordinances, and ever since have been the foundation of all our Statutes. According to these the people were to be Governed, Liberty and Property secured against the incroachments of Invaders, and Justice to be distributed in the several Shares, or Shires of *England*, as in *Germany*, where *Tacitus* tells us, *Jura per pagos reddebant*; For to make their conditions most easie, the controversies were to be determined in their own Voisinage by the Hundreder, or Lord of the Mannor, from whom they might appeal to the *Comes*, or Lord of the County, who with the assistance of the several Aldermanni, or Hundreders pronounced sentence. Upon this Custom is founded our Judges of Assizes, and the several Justices of Peace their Assistours. From this County Court, the last final Appeal was to the Great Council, after the conquest called by the name of Parliament, and composed of the great Lords, Spiritual, and Temporal, assembled in the presence of the King, when and where he was pleased to summon them. To this general meeting, came from all parts of the Kingdom, as many as were aggrieved, either by themselves, or their Attorneys, or Lawyers. And hence it is that we so often find it mentioned, not only in *Spelman*, but in *Hoveden*, *Malmshury*, *Matthew Paris*, and the rest of the Monkish Writers, that to this *Curia Magna* did resort the Princes, Lords, and Chief men, and *Causidici ab omni parte Regni*: From whence arose the mistake in after Ages, as if those Lawyers, who were only the Attourneys, and Pleaders of their Clients Causes made any part of the great Council, unto which the Commons, (whatever *Mr. Bacon*, *Petit*, or any former Writers can say of their Jurisdiction) were not admitted till the latter end of *Henry 3.* reign, when he observing the difficulties, under which his Father had long struggled, wisely allow'd them such a constitution, and particular Priviledges of their own, as might serve to Counterbalance the Power of the Lords, grown so exorbitant, that without due poising, and equal Libration, no otherwise to be done, it must of necessity endanger the overthrow of the Monarchy, and the disturbance of the whole Nation. He is therefore to be accounted the first Author of our present Parliamentary usages, and after his prescript they to this day receive their Summoas, and their being; and yet if we narrowly look into the matter we shall find they are more alter'd in Fashion than in substance, notwithstanding their often gaining both upon the Crown and the Lords, by the Kings first allowance of their management of the purse-string of the Kingdom; for the Lords house alone was made, and still continues the Court of Judicature, and the ultimate decider of Appeals, where according to their first institution no original cause was to take place; to the house of Commons he has left the first motions of grants, and aids or Subsidies, who represent the People now, as the Lawyers did before, and cannot in Propriety of speech as well as of Justice

be called by other name, nor allowed greater Power than of Attorneys. The writ says plainly, The Lords are to advise and deliberate with the King, upon certain weighty affairs of state, the Commons to consent and do what, in such cases the King shall thereupon enact; whence it clearly follows that their Power depends wholly upon the Princes pleasure, and reaches *ex insinuo* no further than to the matters by him propounded, and therefore could not intermeddle with any thing else without his Permission; The Commons then were called together to represent the peoples grievances, to pray, and receive redress, as the King with the advice of the Lords should ordain, and to signify so much to the several places, for whice they serve; Printing not being then found out, and promulgation being of absolute necessity to the obligation of all positive constitutions. To this Council the people flock'd as their business, or their humour led them, in confus'd multitudes representing by petition their grievances; the Lords appointing a Select number of their own first to consider whither they were fit to be propounded to the rest; the ground of our present Committees. The Commons attending bare-headed for the resolutions, consented to them as do Plaintiffs and Defendants to the Judges decisions in the Courts of *Westminster-hall Hen. 3.* as was said before, to lessen the power of the Lords, and bring a confused Assembly to a Regular meeting, ordained every Shire, Citty, and Burrough to send two Knights, and two Burgesses, as Attourneys for the others: yet till some time after they had no constant Speaker, nor those priviledges, of which length of time, and concessions of Kings have given them possession.

But as neither, nor both Houses, have any original Right or Power, but, as all Creatures do upon the Almighty, so their Lives depend upon the Breath of the Princes Nostrils, and with his Call or Command come into or go out of the World: so has the King, on the other side, condescended and promised, That he will not without their Consents and Approbations repeal old, nor make any new Statutes; but more particularly, in thirty three Parliaments he has confirmed the Foundation of all, *Magna Charta*, the Boundaries of their Liberty, and his Prerogative; and in three declar'd it so much unalterable, that any Act of Parliament or Judgment made or given contrary to it, shall be and is hereby made *ipso facto* null and void. And that with good reason; for this being the Summary of all ancient Laws and Customs, and the exact Rule and Measure of Right and Wrong, as well between the King and his Subjects, as between one another, made or confirmed anew by the unanimous consent of every individual Person of full years, at the first coming into the Kingdom, and submitting to the Government of *Hengist* and his Successors, and conformable to the Laws of Nature, of Nations; *Quod tibi non vis fieri, alteri ne feceris*, ought without dispute to remain sacred and inviolable, and to be imprinted in the minds of all free-born Subjects, and carried about with them in their Understandings, as the Phylacteries of old in the Garments of the Jews. By all which 'tis plain, that as the Kings Image and Inscription makes the Coin, so his Approbation or *Fiat* makes the Laws current; and consequently, the supreme Legislative Power is solely vested in him, who may therefore allow or reject at pleasure whatever Ordinances his Houses judge advisable: The contrary would be a Solecism in Government, giving to the King the Title onely, and leaving to his Subjects the Power of Kingship; This making the Governed the Governours, and therefore implying in it self a manifest Contradiction, needs I hope no further Confutation.

Now in order to answer your first Question, you must remember, that *Magna Charta* provides,

That no Freeman shall be disseized of his Free-hold, put by his Inheritance, or forejudged of Life or Limb, but by Legal Process, the Laws of the Land, and Judgment of his Peers; and by another Branch, That the Kings Rights and Priviledges shall be preserved untouched. One of the chiefest, and upon which all the rest depend as on a Corner Stone, is, the Hereditaryness of the Monarchy, so that no attainer by Parliament, or otherwise, should hinder the Descent of the Crown upon the next of Blood; the Laws supposing the King never dies, which he must do, if the Empire were Elective: and to the Observation of these Laws, on pain of Damnation, the present and former Kings have all been sworn: So that the King having no power to act contrary to his Oath at Coronation and the Laws in being, and the two Houses having none at all but what is derived from him. 'tis plain the next Heir cannot be put by the Succession, without great Impiety and violation of Justice. And this has been declared so in all preceding Parliaments not aw'd by Usurpers, as well as by the Practice of our Ancestors. And that which most confirms it, is, That never any yet claimed the Crown in Parliament, but under the presence of Lineal Descent, which was never allowed when false, but when there was not a power in the true Owner equal to the Invader's. Nor does the King alone in this particular lie under the obligation of Oaths; the Lords and Commons have not onely bound themselves by Act of Parliament, *1 Jac. cap. 1. to defend the true and Lawful Heirs of the King, acknowledged the undoubted Successors, with their Lives and Fortunes to the Worlds end;* but do also swear as often as they meet, or take the Oaths of Allegiance and Supremacy, to defend all the Privileges, Rights, and Preeminences of the Crown, (under which none can doubt but Descent in the Right Line is included) against all Pretenders whatsoever, whether Foreign or Domestick.

But because there are a sort of Men, who, from the foregoing Considerations, being conscious they cannot maintain the Power of Parliament in this particular, have recourse to the Law of Nature, I will give you a Scheme of that, even in their own Sense and Theorems. *The Law of Nature is co-extended with the Power of Nature; there is therefore nothing naturally unlawful, and every man, whether he be wise, or whether he be a fool, is sui juris. Every thing endeavours to conserve it self in the State of Nature, and to be sui juris, i. e. to do what he will, to repel all Force, to live ex ingenio suo, i. e. to be an enemy to every man but himself, if he contradicts his Will. Men are liable to several Passions, i. e. have several Appetites, by which naturally they are engaged against one another; and by the Law of Nature they enforce, i. e. they contend equally jure naturæ, which I English, by the Law of Power. One man is stronger than another by force, and so compels him, who before was sui juris, to be alterius juris, when he hath him bound, disarmed, or takes away all his Power of offending, or holds him in fear, or obliges him by benefit, or expectation of benefit, by which last means he subjecks both his Body and his Mind, as long as his Fear or Hope lasts, but no longer: By the former he subjecks his Body onely, which is the safer way. Again, One man may be stronger than another by Wit, and so are men subjecked to be alterius juris, by Opinion, Religion, or Superstition, Error and Deceit. Two men are stronger than one, and therefore the more constant have the greater right of Nature against the fewer dissenting, may urge, and compel, and deprive them of their natural Right, and, in brief, treat them as enemies. And because no man can secure himself against the whole World of single men, who have every one the same Right against me, that I alone have against every one, and much less against a number joyned together; 'tis therefore necessary for me, who else can have no security to enjoy what I have, nor probability to acquire many of the Desirables of Life, to associate my self, and depart from so much of my natural Right, as Prudence and Reason obliges me to do, which is *passio vivere, i. e. jus civitatis, the Law, Right, or Power of the Commonwealth*: So that I have henceforth no more Right to the Law of Nature, than is allowed me, or not forbidden. I say, not forbidden, because what is not forbidden I retain. And this is the Foundation of Laws; and though a Law be Positive, yet the Vertue of it is Negative, and as much as to say, *You shall not use your Liberty of Nature in this particular.* By which 'tis very evident, that after men have entred into Society, those things that before were lawful, cease to be so any longer; Right and Wrong, Just and Unjust, depending on the Concessions, Covenants, and Agreements of the Persons thus combining into one Body. And therefore nothing is more unreasonable and fallacious than to assert, That the Power and original Right of Nature for the forming*

or altering any Government, still continues, and may at pleasure be resumed by the major part, or their Representatives; whereas that Power is restrained, and can never more be made use of without every single Person's consent in the whole Community, or loosning the Bonds of Society, and reinstating them in the condition of War and Misery, Madness and Folly. The ground of the mistake must be Inadvertency or Inconsideration, in not regarding, *That Promises once made can never be broken, no not by the greatest number, without the free consent of every individual Party concerned.* This Power of restraining the Right of Nature, is Empire: If in one it is Monarchy, it in some it is Aristocracy, if in the common Councils of the People it is Democracy; all these Governments are lawful, where they are Governments. *Now to disturb or ruine any of them, is Rebellion, and returning to the state of Nature, and utterly unlawful;* which yet any man, or company of men, may do by the original Law of Nature, *i. e.* by Might and Power; but at his or their peril, under the impeachment of Folly, of not obtaining his or their End, of losing the benefit of Society, and of being treated as Enemies. Now because men are not guided or governed by Reason always, no man or company of men are to be trusted to their own discretion, and the conduct of their own Reason; for every mans Reason is Reason to himself, but the Reason of the Community is the Reason of State, not the Reason of the man. And therefore the Supreme is always entrusted with this Reason, and in the Exercise of it ought to be secured by a transcendent Power, to give check to the Pretensions of the Enemies of Society. This must be done two ways: 1. By assuring a strength competent against any Attempts of retrieving their original Right of Nature: 2. By an equal Administration of Justice and good Government; for, *Res nolumus male administrari.* The End of Government is, That men may live together unanimously in the equal use of Civil Laws. The End of Religion is, to be happy in the next World; and therefore ought not to interfere with Civil Laws, or those by which the good of this Life is regulated. But because the Motives to Obedience to those Laws do very much depend upon the Rewards and Expectations of a Future State, they are therefore necessarily conjoined; so that whatever Religion is established by Law, becomes Law and ought not in prudence to be chang'd and disturb'd. Whoever hath a private Religion or Opinion, seeing it is no more in our power to have *mentem sanam* than *corpus sanum*, yet if the man be not mad or injurious, he may and ought to enjoy it freely without punishment, provided he do not violate the Peace of the City: If he do, 'tis not Sincerity, but Hypocritise; and seeing there may be *bona mens in malo articulo*, all liberty ought to be afforded that can reasonably and modestly be claimed by any of those who pretend a tender Conscience. Now if you consider thorowly these Positions, you will find not onely the Reasons of entering into Society, but the Causes of its Continuance and Decay fully asserted. The Rules of Government are as demonstrable, as any Mathematical Problems; and where the Supreme is wise, there can be no Rebellion, or not dangerous; and wherever there is, the Government is infirm and foolish. In order then to your Question, you must observe, That Power is an equivocal Word, and is sometimes taken for the Right and Force of Nature, sometimes for the Right and Force of Laws. In the first sense 'tis called *vis*, or *poteslas*; in the latter, *jus*, or *dominium*. The first sort of Power men in society have renounced, and cannot use without returning to the State of War, where every man has as equal Right or Power over another, as another has over him. The second sort of Power is that which the Laws of the Society warrant, and by which 'tis said, *Illud tantum possumus, quod de jure possumus*. Now if we consider the Power of Parliament bounded by Laws, in the latter sense, 'tis plain they can have none to bar the Duke from Succession, because the Laws Common and Statute leave them no such Power, and in Nature and Reason, after entering into Society, they can exercise no more than is left them by the Agreements of the Society. In the first sense, 'tis true, they have power to do what they please, as two is stronger than one: But then it must be remembered, that the using that Power loosens the Bond of the Commonwealth, the whole having no more Right over Peter and Paul, while they break not the Laws of the Country, than Peter and Paul have over all the rest. If it were not so, there would be no Right nor Wrong in the World, neither subsequent nor antecedent to Humane Constitutions; Virtue and Vice would be but empty Names, Scarce words for the Fools and the Weak: For every thing would be lawful that a man had force or strength enough to justify. A Principle destru-

Give of Government and Society, of Peace and Happiness. Every Thief and Murderer, Robber and Traytor, if successful, being honest persons, guilty of no Mischief. Thus indeed Vice becomes Virtue, *Properum scelus virtus vocatur*. This therefore nor being to be allowed among men, much less Christians, the Parliament cannot justify a Power of putting by the next Heir, by the Constitutions of the Kingdom, nor by those of Nature; which allow not the major part to have recourse to natural Force or Liberty, without leaving all the rest of the Members to their choice of entering either into none or a new Form, or continuing under the old. And those that assert, the Parliament may do what they please, know not what they say, if they deny others the same freedom; and if they do, 'tis bidding all men *Draw*, and try who has the strongest Arm, and the longest Sword, making Might or Power the only Rule of Justice, and Measure of Humane Actions. But this so dangerous mistake is grounded upon not considering that what was lawful before I became a Member of the Society, ceases to be so after. When a Bargain is once concluded between one man and a thousand, the thousand cannot without injustice break the Agreement, nor without folly expect the single man will not take the first opportunity to be reveng'd, and oblige them to their first Contract. And whether he prove successful or no, it will occasion such Mischief and Calamities, that they will too late repent their Follies, and find no other comfort than the sad one which this scrap of Latin affords, *Supplicium propter suam stultitiam*. But further, if you rightly examine things, you will find that the Lords only act for themselves, and that the Commons of England do no otherwise represent the People than as Attorneys, who therefore are presum'd limited to the first Constitutions and Fundamentals, that is; the Common Law, or *Magna Charta*, whose Bounds if they exceed, they forfeit the Patent or Commission by which they act. This is agreeable to Reason, and the practice of former Ages, when the Commons being ask'd their Consents to new Matters, were bid to and consulted their Principals, and according to their Directions gave in their Answers, as you may find at large in the *Rerum Anglicanarum Scriptores*, and as is the present as well as ancient usage in the Dyets of Germany, and States of Holland. And thus it was in the Senate of Rome, who though they had the Supreme Power as a Parliament in England, yet in the making of any new Law there was a *Rogatio Legis*, an exposing of it in Tables to the view of all for a certain limited time, wherein if the meanest shew'd Arguments why it should, it was wholly laid aside. And so dangerous a thing have Innovations in this sort been accounted by the Ancients, that among the *Lacedaemonians*, and other Commonwealths of Greece, new Laws were propounded with Ropes about the Proposers Necks, submitting themselves to the Loss of their Lives, if the Proposition were not approved by every single Person. And in Poland no King can be elected without the consent of every individual Elector. And indeed in so material an Instance, as the designation of a Supreme Government, upon whom depend the Fates of Thousands, no majority, Parties, or Factions, ought to prevail. The same care have our Ancestors taken in the case of Juries; concluding it necessary for despoiling a man of his Life or Fortune, to have the matter of Fact so plain and conspicuous, that it should not be possible for any to doubt or long dispute it: And upon this reasonable Supposition it is, that they are not allowed either meat or drink, if that Eleven agreeing, while One dissents, should make a Verdict. And can the Publick Concern of the Nation, of putting by the next of Blood from his Right to the Crown, be of less moment? Consider this in time, lest hereafter by a dear-bought repentance you confess your fatal Error. Besides, the Commons do not represent one sixth of the Nation, their Electors being only such Free-holders as are worth 40*s.* a year, or upwards, together with the Freemen of Incorporated places; These are far short of the Body of the People; and for them to fetter the rest, who have none or less Estates, is to make themselves Lords and Tyrants, and the others not Servants, but Slaves and Villains; a Power unreasonable, and therefore not to be allowed by the Clergy, who, as such, have no hand in the Election, and are a considerable part of the People; nor by the Husbandmen and Labourers, and many others, who without Freedom inhabit Corporations, who bearing their proportion of the Publick Charge, are equally entituled to the Protection of the Laws, free-born Subjects, and therefore unask'd cannot be presumed to consent to any alteration of Government either in the Form or Person, by making an Hereditary Monarchy, Elective. Such a Power once acknowledged, may after at pleasure change it into an

Arifocracy, or Democracy. Nor: in my opinion, is it a mean Argument against the Commons being the Representation of the whole People, That of 512, Forty should be enough to oblige the Consent of all the others; That *London* should send but four, when an old Burrough with a Shep-herd and a Dog does half as many; and, That *Cornwal*, which in the number of Shires is but the two and fiftieth part, makes above an eleventh; and yet *London*, the sixth part of the King-*dom* but the 128th. part of the whole Representative. Whoever weighs this Inequality, must find out a new signification of Words, if he calls the Parliament the Representative of all the Com-mons of *England*. Let it be remembred, how easie it is to make a second *Rump*, by Cunning and Address, Threats and Tumults, to make the House so thin, that Forty agreeing shall be still the major Party; and then see how far the Nation must conclude themselves bound by their Act-ings. One may well conclude, all that voted against the Act, and all or most that were absent, will fight for his Title against whom it was made, as well as all or most of these that hold not themselves represented; and what can be the issue of this, but a renewal of the *Turkiss* and *Lanca-strian* Quarrel, in which was spilt the blood of 200000, besides that of several Kings and Prin-ces, and Nobles without number? And yet it appears in Story, That the Right Heir was never kept out beyond the second Descent, nor that ever any Usurper, though armed with Power, claimed the Crown, but by pretending to be of the Right Line; nor did the Parliament ever consent, but when aw'd by Fear and a vast Army. As for the Act of 13 *Eliz.* the best Lawyers will tell you, 'tis now out of doors, made in defence of a Possessor without Title, against the rightful Heir, at that time excluded for Reasons as obvious as tedious here to be mentioned, but after joyfully received and solemnly agniz'd in Parliament, 1 *jac.* and Obedience promised to him and his Heirs for ever; so that now, in the opinions of many, that Statute ought no more to be urged, than that which made *Oliver* Protector, and excluded his present Majesty and his Line.

To allow then the Parliament so Despotick a Power, is to submit at present, and make our selves obnoxious to unaccountable miseries hereafter. What shall hinder a Parliament, who at pleasure makes every thing lawful or unlawful, as they are aw'd by a strong hand, or left at li-berty by a weak, to do any thing, though never so extravagant; to sell the Kingdom to the *French*, or any rich enough to make the Purchase? I confess, I think it a hard Proposition. (and that which makes the Government of a single man, though Tyrannical, more tolerable than this of so many) That the major part of 700, as they may be ordered of less than 100, who as Com-mons have no inderivative Power and are onely called to advise and deliberate with the Prince as Counsellors, should make that lawful that could not be so without their Consents, and me a Rebel for resisting, though I have the greatest part of the Nation on my side, and my Actions warranted by all those Laws that are called Fundamental, and held sacred and inviolable by *Eng-lisshmen*, as our Bibles are by all *Protestants*. He that remembers *England* has been given by a King to the *Pope*, and offer'd to the *Turk*, and that a bold and resolute Prince has humbled *Parli-aments*, as much as ever a weak and gentle has exalted them, ought not to think it impossible but that the *Parliament* may one time or other be wrought to sell or enslave the Peoples Liberty: For, a worthy Author has it, *Nothing but a Parliament can destroy a Parliament*; and we know there have been that deserved no other Titles, than of *Indolent* & *Inanant* *Parliamentum*. I should not wonder that men resolved rather to quit their Country, than yield to an Arbitrary power on any pretence whatsoever, with the bold *Roman*: Farewell a pised to this Kingdom, *Vale venalis civitas max peritura, si emptorem inveneris*. I need not put you in mind of *Prisoners*, or tell you a mercenary *Parliament* is an airy Notion: *What has been may be again*. I reverence a well-constituted *Parliament* as much as any man, and look upon it as an excellent preservative of Justice and Liberty; yet I am not so fond of the Name, as to make it an Idol: 'tis not at all improbable but that it may be so managed as to become the Instrument of the peoples Sla-vary, and the Princes Tyranny; and therefore I hold it no more lawful to ascribe Omnipotency or Infallibility in all Determinations to a *Parliament*, than to a *Pope* or *Council*; the one is not more circumscribed and bound up by *Scripture* and *Applidick Traditions*, than is the other by the *Fundamental Laws of the Land*, (such there are in every Country, as *Magna Charta* is in this) by *Nature*, and by *Reason*: All which tell us, *That no single man in Community is to be put by his*

Right

Right or Property by any subsequent Law against his own Consent; and that if he be, he is at Liberty to regain it any how, by force, or by violence, without the least imputation of Wrong or Injustice.

As for your second Question, you will find its Answer easily deducible from what has been said already: For, allowing that the *Parliament* have power (which yet without every individual persons Consent they cannot have, either by Nature, or their own Constitutions) to alter the Succession; yet no motives can be sufficient to induce men in their senses to such an Act, but plain transgressions and violations of the Laws in being; nothing else being a Crime, or penal. The Apostle tells us, *If there had been no Law, there would have been no sin; and that though sin was in the world before, yet till after the Law it neither was nor could be imputed: i. e. Yesterday I killed my neighbour, but that was not unlawful, consequently not punishable, because the Act against it was but this day enjoynd, and every man is left to the use of his natural power in such instances as the Laws do not restrain.* This is so plain a truth in all Countries where Men are not govern'd like Beasts, that 'tis not onely folly but madness to assert the contrary: The Abettors are not to be convinc'd by Argument and Reason, but by *Hellebore and Bedlam.* Now there being no Laws in being that enjoin the Heir of the Crown of England to believe as the Church of England, his departure from that to any other Church can be no Argument for his Disinherison. But the other part, *his giving life and birth to the Plot*, is of another consideration. and, if true, deserved not onely his being put by the Crown, but by his Life: And therefore, I conceive, if that had been evident, he had not escap'd so easily, nor indeed could he, without the imputation of great partiality and injustice upon the House of Commons: No mean Argument of the Duke's Innocence to any considering person. For, if they proceeded so far upon an Illogical Consequence, or unreasonable Proposition, to wit, *That his going over to the Church of Rome must have given birth and life to the Hellish Plot*, what would they not have done farther, if they could have prov'd, that he was indeed the Author? which he must have been of necessity, if he gave birth and life to it. Now lest the World should take every thing done by any *Fatious number* to be the Act of all the Commons, much less of the Parliament, and so defame the Justice and Integrity of the English Nation; and lest the people should believe whatever they assert as Oraculous, as the Vulgar do of things in Print; 'tis necessary to examine this matter very narrowly, and inquire how they came by this Discovery, or why, if it were real, they inflicted no severer a punishment than an Act that the best Lawyers tell us would have been of no force, had it pass'd even the *Royal Assent*; which I cannot think it ever would, because contrary to the King's Oath at Coronation, and his Promise and Resolution declar'd even in that very Parliament, where many doubt its passing the third time among the Commons, and none dispute but that the Lords would have reject'd it upon the first reading. The grand Discoverer, Dr. Oates, has not accus'd his R. H. but, on the contrary, in publick and private, acquitted him from any guilt or knowledge; as, besides his printed *Narrative* and *Depositions* in Parliament, may be made out by Persons of unquestionable Honour. Could then a Vote make matters of Fact Truth or Falseness? That depends upon natural and eternal Causes, and Connexions of unalterable Principles. Surely no; nor would any man in his Senses have given the more credit, though it had pass'd 500000 Votes in stead of 500. If twenty Colleges of *Virtuoso's* or *Greshamites* should conspire to vote the old *Philosopher* in the right, who every where asserted *Snow was black*, yet could they not persuade one Plowman to disbelieve his Senses, and subscribe to so ridiculous an Opinion. And as to Capt. Bedlow, (and upon these two the whole Hinge of the Plot does turn, for the rest came in but in *subsidiary probationis*) he pretended at first to know no more than the inhumane Murder of Sir *Edmundbury Godfrey*; and yet, however he became more knowing after, he never accus'd his R. H. which he would certainly have done, had he found one probable Circumstance; even upon his Death he acquitted him. Yet, to say truth, his Accusation would have been of less credit, for his having been so mistaken in his main Discovery, as to be contradicted by France: the reason, I suppose, why no *Narrative* in Capt. Bedlow's Name was ever publish'd. Read Mr. Oates his *Depositions*, and you will find the D. was to run the same fate of his Brother, (whose sacred Life God long preserve) if he would not approve of all their Villanies, and after his Majesties Murder accept the Crown as Feudatory from the Pope: And

And without dispute the villanous Contrivers of the Plot would have spared neither : which is plain by Mr. Oates his asserting upon Oath in the Name of the Jesuits, that no good was ever to be expected from the Race of the *Stuarts*, with other Reflections on the R. Family with submission not fit to have been published : And further, that they had resolved, notwithstanding his Love to their Religion, not to trust him with a Secret his great affection for his Brother would persuade him to reveal. Is it then possible, he could give Birth and Life to a Plot, to which he never was privy ? As for *Coleman's* Letters, in my Lord *Danby's* Words, the best evidence we yet have of the Plot, they were not writ by the D's allowance or consent, nor do they speak of introducing Popery otherwise than by gaining an Indulgence, and that by a Parliament. Besides, 'tis notoriously known he was offered his Pardon and large Rewards, if he would confess the Plot. And 'tis needless to imagine, (none can, but an unthinking Crowd) that he would not speak a Truth to save his Life, at least not damn his Soul by dying with a Lye in his Mouth, (after which nor previous to it, there could be no Absolution) but to the last notwithstanding the repeated offers of Pardon and Reward, he protested his Ignorance and his Innocence.

Oh but, say some, how then could the Commons proceed as they did ? Why, perhaps the Publisher of that designed Bill abuses them ; but if he did not, they do, who conclude this Major part consented to it. Those that did, may be supposed hurried on by misguided Zeal, Passion, or Prejudice, imposed upon by Suggestions, as agreeable to the King's Pleasure to banish him for ever by Law, who in Obedience went into a voluntary exile for a season ; If this be not, I confess I am at a loss for the Reason : But of this they were soon convinc'd by his Majesty's Speech to the contrary. Besides it had been but equal to have given his R. H. liberty to make his Defence ; to condemn a Man unheard is no where practis'd, where there is the least shadow of Government. The Laws of God and of Nations forbid, nay make it inconsistent with Society to hang a Man first and convict him after, or to punish any one *ex post facto*. My Lord *Stratford's* Case was never to be brought into precedent, and if that were not sufficient, the whole proceedings by Act of Parliament since his Majesty's Restoration were condemn'd as illegal and contrary to all Morality. And would not the D's Case have been just the same ? Do but make it your own, and you will be of that Opinion.

Whence I conclude, that the Reasons on which the late House of Commons proceeded against the D. were insufficient, because not only not warranted but contrary to the Laws in being, as well as to those of Nature and all Societies under Heaven. And now I come to your third question, what dangers the Nation may be under in case the Crown descends upon a Popish Successor, or more particularly upon his R. H ?

For answer to which we must consider that dangers to any Country are Forreign or Domestick, Invasions from abroad, or Encroachments at home. Against the former every Kingdom is in danger, be the Prince of any or no Religion, and therefore the People are obliged to be always on their Guard. Against the latter the hazard lies in the Princes neglect or breaking of the bounds of his Subjects Liberty, Property, and Religion : And since the safety of all Princes depends upon the contrary, why a Popish one should offer it more than another, I cannot comprehend ; and more particularly why his R. H. should design it, is not at all likely, if we examine either the influence Popery can have over the Government, or consider impartially the D's Character.

Government was at first framed for the good of Mankind in this Life, without any regard to another, and depended upon a due and equal administration of Justice in the Governour, and Obedience in the governed. This was long observed in the World before Religion entered, especially Christianity, which all allow neither did nor could alter the Laws of the City or Commonwealth. *Evangelium non abolet politias*, is every where an allowed Maxim, drawn from our Saviour's own Words ; Friend, who made me a Ruler or Judge among you ? The Law is open, and by that the Controversies between you and your Brother are to be decided. He came not to disturb, but to enlarge and confirm the Peace of the City, and his Laws considered a-part are as consistent with those of a Kingdom, as the by-Laws of any Corporation within a greater State. He declared his Kingdom was not of this World, and therefore could not design to alter the grounds of Government and Obedience, which are one and the same in all Countries whether Christian or Pagan, founded upon self-interest and preservation, and continued by mutual Relation of Love,

Love, and Duty, Protection, and Obedience; things, that truly considered, can never be altered by the super-induction or change of any new or old Religion. If then Christianity make no alteration, 'tis impossible the sub-divisions, or particular Sects should. So that whatever Opinion, either of King or Subject, be in point of Religion, Popish or Protestant, *Lutheran or Calvinist, Presbyterian or Episcopal*, the ends of Government Peace and Quiet, Liberty and Property may be secured and enjoy'd, and the end of Religion too, eternal Salvation; this depending on moral Duties and Conformity to the Laws of the Land; and our Saviour having threatened Damnation to those who resist the higher Powers; the greatest of punishments being appointed both by the Jewish and Christian Law to Rebellion, called by the first, the Sin of Witchcraft, and in the last, a fighting against God himself.

Now all Laws that concern our temporal estate being made in the times of Popery, I cannot find why they should be changed by a Popish Monarch; nor how, without a change or violation the Subjects can suffer. As for the Laws that established the Protestant and abolished the Popish Religion, they cannot be otherwise altered but by an equal Power with that from whence they had their Being, King and Parliament, who agreeing can by a change no more prejudice the publick in order to Heaven, than they did before; that being only accidental and extrinsecal to the Substance of Religion, by which alone and not by Forms or Ceremonies Men are to be saved; every Country making differences in such things according to the several interests of States or humours of the People; and as in *England* the Common-wealth is tempered by the King's holding the Ballance, between the power of Lords and Commons, and that upon the taking away of either, the Government must be destroyed: so the Religion of *England*, or indeed of any Kingdom, where there are several Sects, seem only to be preserved by fixing a Ballance, which taken away must be the ruine of the whole; and therefore undeniable Policy will tell us, that the Episcopal legal Government is no otherwise to be preserved, but by equally indulging the Non-Conformists and the Papists; for to suppress both is now impracticable, and to suppress one alone will be found impolitic. A Truth grounded upon the present State of *Europe*, where while *England* kept the Ballance between *France* and *Spain*, the universal Monarchy was a Dream, or groundless Fancy: but that being removed, 'tis impossible if two or three Martial and prudent Princes happen successively to govern *France*, but that before imaginary Empire will really fall to the Lot of that Nation, unless all the other States join against it, and give our Country the power it enjoyed when *Spain* was an equal Match in the Contention. For my own part, I see nothing to be dreaded in case of a Popish successor, because he alone cannot alter the Laws, nor the Religion; nor can he the execution, since that is out of his, and in the hands of such as are not only sworn to it, but upon failure lyable to great Penalties and Forfeitures, not only to the Prince who possibly might, but to the Informer, who cannot be supposed to remit his proportion. And considering that the Laws in being have entrusted the executive power of the Militia by Sea and Land, and of distributive Justice in Courts, and all Offices of Trust as well in the Country, as about the Princes Person, and the power of making and altering Laws in the Hands of Men of Anti-popish Principles; I cannot apprehend why we should conceive any danger from Princes enjoying to himself any Heterodox Opinion whatever. For to think he would impose them upon his subjects, is to conclude him not only imprudent, but distracted; since it would be to create himself disturbance, without the least prospect of advantage: for what does he get or loose by their being of this or that Perswasion? His Good, his Wealth, his Glory, his Honour, and Security, consists in their conformity to the established Government, and for their future Happiness he cannot as a Prince be solicitous; 'tis out of his Province, and now out of Fashion for Kings to be Priests and Prophets. This then would be folly, and to pursue it would be madness, because it would be to oppose his single strength, (for in this case he would stand alone) to the united force of Lords and Commons, and the whole Body of the People. And who knows not that in this Sense, *Dominium fundatur in voluntate hominum*. For without an Army, and a very great one, he could not compals his impertinent project, this Army he could not raise without a vast Treasure; this Treasure he cannot have but from his own people in Parliament, who will not give it to their prejudice. For out of Parliament he cannot have enough, even for his ordinary Expence, much less for the defence of the Kingdom against foreign Attempts,

Attempts; because upon the death of the present, the following Successor will find so much fallen off, that there will not be left one third part of the present insufficient Revenue for all necessary Uses of the Crown: An Argument that alone may convince the sober and unbiass'd, that be he of what Persuasion soever, he must of necessity comply with his Parliament, who can't be suppos'd neglectful of the great Concern of Religion. And to think that the *Papists* at home or abroad will give it, is Folly, or Inconsideration. Those at home could not by the sale of all their Fortunes make the Fund; that can never be supposed by men in their wits: nor indeed can I see why they should contribute at all, since their Gain by Offices, of which they are now incapable, would be but advantageous to some; and why shall the whole be at a loss for the profit of a few, and that uncertain? Besides, that Party is now more a Gainer, by freedom from Offices of Charge and Trouble, than they could then be by the partial Advantage of Employments. The *Papists* abroad will less find their Accompt; for Princes of all Religions, and the onely present rich and powerful one of *That*, expends his Money for Earthly Glory, leaving, as he ought, the Heavenly to the Spiritual Princes. These all are, ever were, and will be, such Lovers of Wealth, Pomp, and Grandeur, as not to bestow it in the purchase of Heaven, which they know is not to be bought for Silver or for Gold. The *Pope's* regaining *Peter-pence* could not invite him, if he had the Sum: for if you compute that, you will find it a Trifle, 6566, reckoning it after the way of the present Chimney-money, set for 160 odd thousand Pounds, at Two Shillings a Chimney; whereas that was onely a Penny a House, not a Penny a Chimney, as in this Calculation is allow'd, when Houses are much more than in those days. And for the First-fruits and Tenths, they are no less inconsiderable. For Indulgences, Appeals, and the consequent Charges, they are trivial and accidental, and go not into the *Pope's*, but into particular Officers Pockets. Besides, no one *Pope* can hope to see such a Design effected; and the Nephews and Nieces will prevent their converting their Riches to the advantage of the Successors. And as for the Church or Abby-Lands, they could not on this account be of any moment, since if restor'd to the Church, which would be uncertain, as the effect of War, they would fall into the hands of Clergy-men, who have nothing before-hand to contribute.

Now considering that the late rais'd Army, under 30000 men, put the King to the charge of more than a Million; how many Millions, think you, must be requisite for a much greater Army, necessary for so great a Design; when the Opposition will be strong and lasting, the very List'd Militia being above 160000? And supposing that all the *Papists* in the three Kingdoms would become Volunteers in this extravagant Expedition, the whole would be still as disproportionate, and as unlikely to prevail, as an Army of Pigmies, with Spears of Bulrushes, mounted on Cranes, against an Army of Gyants, riding on Elephants, and every way well appointed for War.

In the year 1672, (and they cannot since be much encreas'd) the *Papists*, upon a Survey of them, *Conformists* and *Nonconformists* severally, were found throughout England to be under 20000, Men, Women, and Children: In Scotland the disproportion is greater on the *Protestant* side; in Ireland, on the *Papists*: Yet by a Medium of all three, there would be 203 *Protestants* to one *Papist*. What then can be dreaded from them, though assisted with an Army of profligate Hirelings, (for none else would fight to destroy Religion, and enslave their Country) and a Prince of their own Persuasion, whose Example could win but on the mean and base, the flattering and mercenary Courtiers, to hold with him, as with other Kings, their Necks awry? So inconsiderable a Number could not shock the main Body of the People, fighting not as the others, for Opinion, or for Pay, but further, for Liberty, Property, Religion, and Estate; of which being possess'd, though the others were equal in Numbers, theirs would be the advantage, according to that Rule, *Melior est conditio possidentis*. And indeed, considering the Atheistical bent and humour of the Nation, whose Religion is generally in their Mouths onely, and not in their Hearts, I am apt to conclude, the great Heat and Contention is founded upon the apprehension of the loss of Church and Abby-Lands, and not of *Protestantism*; and the rather, because it is urg'd, *Nullum tempus occurrit Ecclesie*: The Maxim is *in Rege*; and yet we find, though most of the Lordships of England belonged formerly to the King, they are now possess'd by others, without danger of reasumption; and yet even that has been practis'd in former Kings Reigns,

and advised by Parliaments who always reputed them unalienable. And yet why we should now be more sollicitous for fear of the Church, than of the King, I cannot understand; since either Prescription, or their own Consent, lies against both, and that even in the infancy of the Protestant Religion, upon the return of Popery by Parliament, the Pope did in Q. Mary's Reign, by his Legat Cardinal Pole, confirm to the Laity the Temporal Possessions of the Clergy. And can any one imagine, that now, when a contrary Religion is of so long standing, and the Professors as far exceeding the Papists in number, as they did then the Protestants, a Parliament would be kinder? Earthly Interest will ever weigh more than Heavenly; the World being now so much enlightened with Knowledge and Letters, beyond its former Experience, when not only Salvation, but Wisdom, hung upon the Lips of the Priests, it will be impossible for men to be persuaded, even upon their Death-beds, to bestow all for the gaining of Heaven. The Statute of Mortmain was made in the height of Popery, and none but Fools can suffer themselves to be imposed upon, that a Statute of Restitution could be possible in the Meridian of a contrary Religion. This is well known to the leading and considering men, who having Designs upon great Offices and Preferments in the State, make the Care of the Church a Pretence only to their Ambition. 'Tis notoriously evident, That no men were more violent for the general Indulgence, nay for Popery, in 1673. (not to mention their before breaking the Triple League, and entering into an Alliance with France) than those who now are accounted the only Lovers of an English Interest, and the Protestant Religion. A Restitution of the Great Seal, or a Treasurer's White Staff; a Diamond-hilted Sword, or being a Publick Minister, might persuade the same Persons to act again as arbitrarily as before, set up France and run down Holland, with a *delenda est Carthago*. Good God! how strange it is, that men who changed with every Wind, as that of their own Private, not their Countries Interest, blew; or some younger Spirits, influenced by their Precepts and Examples, in hopes to make new or retrieve crack'd Fortunes, should ride and hurry the Nation to so much Heat and Passion, as endangers our utter ruine and destruction, either from Intestine Divisions, or Foreign Invasions! Consider this in time, before you are bewitch'd and bewitch'd by any *Will o' the Wisp*, who now leads you astray, and will certainly leave you in the lurch, when he has gain'd the Point he drives at. Judge of future by former Actions, and remember, if we must have any, *That the old is better than any new Master*.

Oh, but (say some) if we have a Popish Successor, he will be the worst of Tyrants being oblig'd (says the Author of the *Few Words among many*) to extirpate his Protestant Subjects, under the pain of Excommunication and Damnation, and that by virtue of the Council of Lateran. An Assertion very groundless, whether you consider at large the Princes Interest, with which such a Practice is incompatible, his being a King, depending upon his Subjects; and, a powerful one, upon their Multitude, Strength, and Riches: or if you consider the Influence Christianity it self has upon the Civil Magistrate, or the particular Obligations of this pretended Decree; Concerning which, you are to know, that this Council is not esteem'd General, nor the Decrees of this (wholly rejected by *Canons* and *Belarmine*) nor of any Council, esteem'd infallible, or obligatory in point of Discipline, where they are not receiv'd and corroborated by the Temporal Prince, who has the power of rejecting all or what part he thinks fit of such Decrees; as appears not only in this, but in that of Trent, which is not universally received either in France or Germany. Besides, those few that own this Council say it was never design'd against Sovereign Independent Princes, nor was it ever practis'd out of Italy: So that why it should be dreaded in England, cannot be found reasonable, since at this day in France, Germany, and other Countries, where the main Body of the People is Popish, Protestants are permitted their Freedoms, and their Fortunes. A sufficient Argument, that Popish Princes fear no such Sentence from Pope or Council. In some places of Germany the People are governed successively by Popish and Protestant Princes, Lutherans by Calvinists, further asunder than Church of England and Papist, without inconvenience or disturbance, taking their turns morning and afternoon in the publick Churches; and notwithstanding the differences in Speculative matters, not possible to be avoided, live together as they ought in the Union of Charity, the only bond of perfection, and Badge of true Christianity. So that Papists may be good Kings, and good Subjects, as they are *de facto*, and have been, and therefore may be again. And to shew how little particular Opinions can alter the Duties of Allegi-

ance and Subjection, let it be remembred, That in the King of France his Descent upon Holland, and in the time of his whole War with that State, he could never get a Popish Spy.

But here I am not ignorant the Persecutions of Queen Mary will be urged, though impertinently; for besides that the odds was then on the Papists side, yet in her Six years Reign, as Speed and Baker tell us, there were but 277 put to death, and of these above 200 profligate Persons, all dying by the Law, then, and several Ages before in being, *De Heretico comburendo*, by which several suffer'd in Queen Elizabeth's and King James's days for *Arianism*, since abrogated. So that, as the case now stands in England, none can suffer as Hereticks till some new Law be first made, and that, you know, must be by Force, or Parliament. The first is shewn impossible, and the latter improbable: Yet if such an Act pass'd, it must be esteem'd consonant to the desires of the whole Nation. So that the Martyrs of Queen Mary's days can no more be accounted such, than those who have suffer'd since the Popish Plot, both being punish'd justly, according to the Laws in being. These last are reckoned 170 in the space of eighteen Months; of which, 147 starved and died in Prison, and 23 executed, to every of whom Pardon and Reward was offer'd, would they but confess themselves guilty, and make a Discovery; besides five since condemned, and many more stid, starving and begging in other Countries. And here I confess my amazement and wonder, that so many Lay-men and Clergy-men, Learned and Illiterate, should all continue obstinate in the denial of this damnable and hellish Popish Plot, when the Conspirators own'd that cruel one of the Gunpowder Treason.

Nor can the Objection be less trivial of the hazard to the Kings Sacred Life, while a Papist is to succeed; since a Clement or a Ravolin it not more easily found among them, than a Polecat or an Andolet among the Hugonots or Presbyterians. But it is no greater disparagement to have single Influences of Wickedness in a Society, than to the Apostles, that there was a Judas in the number. 'Tis much more easie for Papists to give, than to receive upon this account a Rowland for an Oliver. They can not only return the number of Assassins, but in stead of a few private ones, shew them many publick Executioners of Kings and Princes; and in stead of particular Assailers of the King-killing and Deposing Doctrines, as Mariana and La Forest, (who yet do it but Problematically, and are with their Books censured and condemned by the Eight Universities of France, and the General of the Jesuits Order, and the whole Body of the Catholics, and expressly forbidden by the universally receiv'd Council of Constance, Sess. 5.) I wish there could not be found whole Shoals of the Reformed that avow those Antichristian Principles, not only abroad, but in England and Scotland. Baxter, yet alive, has never recanted the Tenets of his Commonwealth; nor his owning, in his *Saints Rest*, his not finding, upon the strictest examination, to have done amiss, in fomenting the late Rebellion. I need not mention Ourlandish Names of Calvin, Beza, Pareus, &c. nor those of Scotland, Knox, Buchanan, &c. A Page would not contain all Milton's English Tutors and Scholars in this particular, whose Religion is Treason and Rebellion, and whose Devotion is all Cheat and Hypocrisie, and who are indeed so much the worse and more dangerous Jesuits, as their Doctrines are in English, and openly maintain'd, whilst the others publicly disavow what they are accus'd of. Those all with one voice say, *Domination is jure divini*; the others say, 'tis founded in Grace, and deriv'd from the People in trust, who upon male-administration may resume their first Grant, dethrone and murder their Sovereign, in spite of all the obligations of Oaths and Promises of Faith and Allegiance. Now though it's possible both Parties may be mistaken, yet I am sure the Papists Error is on the safest side for Princes. Consider, Sir, seriously, and tell me, if you find not of the two the Jesuits of Glasgow and Geneva more pernicious to Peace and Government, than those of Rome or St. Omers: Compare their Practices and their Principles, and try whether the Paris Massacre of 40000, by D'arville, and as is plain in Story, a Politick Stratagem, be not seventy times exceeded by the War of that Country and Germany, to name no more, upon the score of Reformation: Whether the much-nois'd Numbers slain in Ireland, computed by the Ingenious and Learned Sir William Petty, on both sides, during the whole Rebellion, not above 36000, in a conquer'd Country, set on foot for their Liberty and Estates, not for Religion, be not far outdone by the late Rebellion of England, contriv'd and carried on by the Godly Party. This was not Christ's Method of Planting the Gospel; 'tis the Sword of the Spirit, and not that of the Flesh, that must propagate Religion.

yet excepting our own Country, where it came not in; dry-shod, have not the Reformers every where waded deep in Blood in opposition to Popery? I need not instance, the Countries are obvious, and 'tis an undeniable Truth; *that there has been ten times more War and Blood-shed, on the score of Religion since Luther and Calvin's time, than was in all the parts of Europe before, while Popery was at the highest.* But besides all this, the Vote of the late House of Commons, has most certainly secured on that side all danger to the King's Sacred Person, *When God long preserve;* for if now any should be so mad, as to be Authors of so great an Impiety, considering the vast inequalities of their Numbers, they could not expect less than the loss of their own Lives, and of the whole party, and therefore by that Vote they are not only charmed into Loyalty, if otherwise disposed, but qualified to guard the King's Person, if admitted, from the attempts of any other Conspirators; so that their mutual safeties depend upon each other. And therefore it were advisable since other acts forbid their access to Court, for all the Papists to quit their Country or their Religion, least they might hereafter smart for the Act of Nature, or the wickedness of any other Faction, if not likely, at least not impossible. Sacred and profane story furnishes us with many instances of Plots made by one, and father'd on another party. And the beast in the Apologue with a Lump of Flesh on his Fore-head, was not imprudent in quitting the Forrest upon the Lyons Proclamation, *That all horned Beasts should at their peril depart,* for when he was asked, *why he ran away,* he answered, *If the Lyon said the Lump was a Horn, it would be in vain for him to contend, or after hope an escape.* And really, I see no security in the change of Religion, since people are so imposed upon, to swallow Gudgeons in believing, if that indeed they do what they so loudly speak, that after all Oaths, Tests, and Sacraments, they are still Papists in Masquerade, and have Bulls and Dispensations for dissembling and Perjury; a Supposition not only ridiculous, but reflective upon the Wisdom of the Parliament: for if no mark of discrimination, nor scent can be found to discover the blown Deer, and separate them from the rest of the Herd, 'tis in vain to hunt, and the Parliament have taken great pains to find out Papists, but to no purpose; a censure no less severe upon them, than 'twould be folly in the Pope to expect Obedience from those he absolved from all Obligations: For the Oaths do not only allow them to wear Fealty and Homage to one Prince, but bind them to renounce all others, and being so taken in the plain literal Sense and Acceptation of the Words, there can be no reserve. For however the Jesuites are accused to allow Equivocation and Mental Reservation, they are not yet arrived to that impudence of owning to the World so monstrous an Impiety. And therefore I hope the new Sheriff of London are abused by their Friend, who publishes their having taken the Oaths and Abjurations in their own meanings, and tell us that how contrary soever, that may be to the plain Words, yet 'tis conformable to the Sense and Intention of the Imposers, the Parliament. A new Doctrine I confess, and very expressive of a tender Conscience. For if you examine it aright, you will find it turns the design of Oaths into Folly, leaving them no force, nor Men under any Obligation. For it is all one to swear, and not to swear at all, if the taker of the Oath may do it in his own, and not in the Imposers Sense; it reconciles extremes, makes a narrow half-pint City Conscience, and one as large and wide as the great Tun of Heidelberg, the same. Here will be no longer stumbling at Straws, nor leaping over Blocks: Striving at a Gnat, and swallowing a Camel, will be a Jest; all will go down with equal ease, and all ties between King and Subjects will cease; the Oaths of Coronation and Allegiance are Popperies, Chaff to catch the credulous; neither will be perjured, if the one prove a Tyrant, or the other a Rebel. So monstrous a Tenet ought not to scape publick Animadversion. And I do as verily believe a Jesuit sham'd that Pamphlet upon the Sheriff, as that the Papists made Fenner's Plot, & the two following of 1662. and 1665. altho in their stead the poor innocent Fifth-Monarchy men and Phanaticks, paid the reckoning at Tyburn. But if indeed there were Dispensations to be had, is it supposable by Men (*Fools may take a Wind-Mill for an Inhabited Castle, and Don Quixot-like, fight against the Wind*) that any would forfeit Liberty, Fortune, or Country, much more Life it self, as is notorious many have done, rather than take those Oaths.

There is then no cause to fear the Papists will be undiscoverable, or that they can be terrible, considering the smallness of their Number, tho the D. of T. should come to govern. For besides that it would not be in his Power, nor for his Interest, as is already shewn, to innovate the

Constitutions of Church and State, nothing like it can be dreaded from his *Character*, which all knowing, and disinterested Persons will thus give you; That he is a Prince of so many admirable Endowments and excellent Qualifications both by Nature and by Art, as make it a question to which of the two he is most indebted, and render him matchless in the present, and rarely exceeded by any in former Ages. He is not only of innate Courage, fearless and intrepid as a Lion, but a Commander of great Experience, both at Land and Sea; preferring the last more for his Countries safety and honour, than his own ease or pleasure: In all things temperate and sober, in his Actions between Man and Man nicely just, in his Word and Promises strictly faithful, and religiously punctual, sincere in his Friendships and Professions, a kind Brother, and a dutiful Subject, an obliging Husband, and an excellent Master, a great lover of Business, sedulous and diligent, and indefatigable in Labours; affable and easy of access, patient in hearing and dispatching the meanest, of quick Apprehension, and sound Judgment; and tho' in this traduced by Envy, Malice, and Design; yet I defy the worst of his Enemies, to instance wherein he ever spoke impertinently on any Subject. He is what the French call *un bonnet homme*, too comprehensive to be English'd by one Word, signifying *A Person composed of all the good Qualities that make Men truly valuable*; He was born to retrieve the sinking Glory of the English Nation, a Truth once readily acknowledged by all, and would be so at this day, if the contrary were not imposed by the cunning of the Ambitious, under the disguise and pretence of Zeal for Religion; in which whatever his private Opinions are, he desires not a Liberty he would not grant. He is not of a narrow persecuting Spirit, so much in love with his own, as to despise the Opinions of all others. He would have every Man enjoy the right of Nature, Liberty of Conscience, without disturbance of the publick Peace. In a Word, he is brave and generous, liberal but not profuse, resolute but not stubborn, great but not proud, humble but not abject; in all his Actions he shews himself a Gentleman, but in none forgets that he is a Prince. He is not an Angel, but a Man, and therefore not free from some Passions and human Frailties: but in the World there cannot be found a Prince with fewer. He needs not boast the Statues of his Ancestors, he has a stock of fame and virtue of his own, large enough to make him great. He is doubly related to the Title of his Grand Father Henry the 4th, by Birth, and by his Sufferings. Without flattery he may be accounted the most illustrious of modern Hero's, and very little, if at all out-done by Caesar or by Alexander, by Hannibal or by Scipio. The English, Scots, and Irish, have been Witnesses of this Truth to their Honour and Renown. The French, the Spaniards, the Flemmings, and the Dutch, the German, Swedish, and Dane, have seen and felt his Actions to their cost and to their Envy. And what has this great Man done, to have his Vertues and his Laurels wither'd and forgot? Is it for exposing his Person, like a common Sea-man for the Glory of the English Nation? or is the change of the Peoples Affections owing to the alteration of his Opinions about the Modes and Circumstances of Religion, for in reality 'tis no more? Oh! no, it proceeds from the subtilty of some Fellow-Subjects, who under pretence of Love for the publick, and Zeal for Religion, design for themselves a Tyranny, and therefore endeavour by all the arts of Malice to remove out of the way of their Ambition this great Person, the only Obstacle; imposing upon the World that all themselves aim at, are intended by the D. when nothing is further from his thoughts than a purpose of governing England otherwise than by the establish'd Laws. A Lye may for a while fully and eclipse the brightest Innocence, but at length it must break through those Clouds with a greater increase of Lustre and of Glory. 'Tis good Machiavilian Policy, calumniare fortiter, aliquid adhibere, Throw Dirt enough some of it will stick. There was a time, when only Vice was safe, and honourable, and nothing fatal but to be brave and virtuous; and the best Citizens were therefore proscribed; and why should it be wonder'd that in England, as well as in Rome or Athens, an Aristides should be banished for being too good?

Now considering that *Laws may bind a King* (which to deny is folly and madness) and that there are already enough and more may be added to prevent a *Papist Successor* mischieving Protestant Subjects, if there were no Laws to this purpose, yet Prudence and right reason would continue to us the enjoyment of Liberty, Property and Religion, let never so bigotted a *Papist* ascend the Throne: much less is any alteration to be apprehended from the Duke, who besides all those Obligations does further secure us by his innate Goodness and temper: 'tis no wonder his

Majesty

Majesty should so often forbid the intermeddling with *Succession*; since he could not but conclude from so unreasonable a procedure something else might be designed, besides the *security of the Protestant Religion*; under the fairest Tufts of Grass, we know Snakes are likeliest to be hid. For first, there was no cause to conclude the D. should certainly out-live his Royal Brother; or if he did, that he would or could alter the Government; nor secondly, that he should always continue of his present Opinion in Religion, since he that *once changed might do so again* upon the alteration of his temper, never at a stand, or the same in any Person, or upon his fuller consideration of the Controversy. But if in this he should remain unalterable, and chance to out live him, his consenting to such an Act would never prevent great Effusion of Blood, civil War, and unaccountable Miseries and Calamities; for let Men Fancy what they please, the D. would still have no small Party in England, all or most of Scotland and Ireland would be entirely for him; he is accounted by both a Prince of their Blood, and by their Laws, who no more than those of England allow their Kings mortal, to be their Sovereign upon the Death of his Predecessor, without the Formalities of Proclamation or Coronation; and who knows not that the united force of these two Kingdoms, with the Power within the third, would counter-Balance all the rest of the Might of England. Besides, Scotland and Ireland being distinct Kingdoms, and governed by Laws of their own Parliaments, no Act made by that of England can be binding in any instance, much less in excluding their Sovereign. Now over & above those advantages, all the Popish Princes of Europe, (and they, if united, are too strong for the Protestants) would be on his side, if Religion have that Power some Men apprehend. But if it have not, yet France would account it their interest to reinstate the D. in his Possessions, for then they two joining (to which nothing else could invite the King of England) all rubs in the way of the *Universal Monarchy* would be certainly removed. And what would the Consequence of this be, but a running into the inconvenience we would now avoid, *Papery and Arbitrary Government*, otherwise not only an uncertain, but an imaginary Fear. Though this should not happen in the person of the D. yet his exclusion may otherwise occasion it. For let it be considered, that to keep him out, an Army must be maintained, which will encrease our Charge, another great evil; and that Army must have a General, and who can be assured that either the then King or the General, or both shall not hereafter turn Papists, and changing with their Religion their Tempers, by the assistance of that Army settle an absolute and Despotick Power, enslave us, and exercise an uncontrollable Tyranny over our Minds, our Bodies, and Estates. Remember what our late revolution did produce, and forget not the Rump nor Oliver, whose publick Taxes were Mountains, compared with those Mole-Hills under which we now seem so much to suffer and be buried. If the Rider gives his Horse the Reins, he knows not whither an unbridled Fury may at last carry him.

'Tis not impossible but the putting by the D. may end in a deposing the present Possessor: For if the late King was not only reputed a Papist, but executed for designing the Introduction of Popery, though all the World knows he was a stiff Asserter of, and a Martyr for the Protestant Religion; and if now a presumed Papist be declared unfit to succeed; how much more unfit must a Papist be declared to Govern? And how can we be assured, that Character shall not hereafter be fixt upon our King, when we know one of the Brethren was not long since indicted for saying, *The D. was a Papist, and the K. little better*? and that already every Member of the Church of England, the very Bishops, all but Two, not excepted, are called Papists in Masquerade? Success makes men bold against God and Man; and we arrive not at the height of Intolerance but by degrees, *nemo repente fit turpissimus*. Read the Pamphlets, and observe not the Whispers, but the loud Discourses, and then tell me whether you can call this a groundless Surmise. If the King cannot pardon the Earl of Danby, or any Criminal, (which that Nobleman no more is, upon the account of his Pardon, than all his Predecessors who have shewn him the way) then indeed he is no longer the Supreme, and may well enough be concluded already deposed more than in Effigie. And yet this Doctrine is maintain'd by the *Loyal Considerer of the great and weighty Considerations touching the Succession*, and publicly sold in the Courts of Requests; and another Position no less pernicious, held by him and many of the same Principles, That there can be Treason against the State, against the People, against the Government, excluding the Kings Person, for whose security alone the Statutes have provided against Treason, not find-

ing it agreeable to Reason, or our own Positive Laws, to exalt above the King's the Majesty of the People. If such Doctrines be openly avow'd, witness that *Pamphlet*, and the *Moderate Answer* of the King's Declaration about his Marriage, 'tis no wonder the King should depend upon other Guards for his Safety, than the Affections of, at least, such Loyal Subjects.

King Charles the First had many Promises of being made great and glorious, provided he would part with his most faithful Friends and Counsellors, then stiled *disaffected* and evil Ministers; and by granting some such small Requests, he gave encouragement for asking, and left himself no room for denying greater: And indeed he was made great, and extraordinarily exalted, from an Earthly to a Heavenly Throne, from a King to be a Martyr. Who can be ignorant, that however to demolish a strong Fort, or a Tower well built, it be necessary to labour long about the Out-works and the Walls with Cannon and with Pickaxe, yet one only puff, though but weak, of a Princes Felly, or a Private mans Ambition, who has good store of Followers, Money, and Wit, is able to make the strongest Empire totter and fall, before the Ruine be expected. *Athelstan* the great Saxon King, out of jealousy of State, was persuaded to expose to the mercy of the Seas his Brother *Edwyn*, and thereby endanger'd the loss of his Dominion; of which when he was put in mind, by his Cup-bearer's saying, upon recovering with one Foot the slip of the other, See how one Brother helps another, he cryed out, *Al Traytor, livest thou to upbraid me of that Folly, of which your self was the Author* and thereupon caus'd him to be immediately executed. Henry the Sixth had scap'd Deposition and Murder, had he not consented to his Uncle the Good Duke of Gloucester's destruction, who living kept him safe, and dying threw him down. After the same method did the Earl of Northumberland bring about the Ruine of the Protector in Edward the Sixth's time, perswading him to remove his Brother the Admiral, his onely Bulwark and Support, of which Contrivance, though too late, he died not insensible, leaving to Posterity a Caution to avoid the Rock on which he split. The extraordinary Careless of a reconcil'd Enemy are ever to be distrusted, and always to be accounted dangerous; and he may well apprehend a Design, that finds such, or any man, more than himself, solicitous for his Safety. The Wolves pretending kindness to the Sheep, offer'd to make a League with them, but not till they first had banish'd away their Dogs; this they no sooner did, than they paid with the forfeiture of their Neck the price of their credulity, and their folly. Nor is the Fathers Legacy to his Sons, of a Bundle of Twigs, less instructive; these which single may with ease, cannot with difficulty, whilst united, be bent or broken. *Divide & Impera*, is more useful for the Aspirers to, than the Possessors of a Crown; and he that suffers himself to be impos'd upon in one, lays himself open to all Instances; and will quickly perceive, the more he grants, the less he is able to refuse. When a Prince finds his Subjects insist upon things unreasonable or unnecessary, much more proceed contrary to his positive Commands, as in the Case of Succession, 'tis time to look about him, and suspect they intend somewhat more than yet they discover.

The surest way to compass ones purpose, is to pretend the contrary; and if you will be with success a Sinner, and exquisitely wicked, you must pretend to be a Saint, and extraordinarily devout. You may with more safety eat your Chestnuts, if, Monkey-like, you make use of the Cats Claws to pull them out of the Fire. You cannot hope to enslave your Country, but under the specious Names of Reformation and Liberty. The People may be gull'd, and drawn to bite, if the Hawk be baited with a fitting Fly. If you will set up Presbytery, you must pretend at first onely to run down Popery; when the Popish Lords are outed, it will be easie after to exclude the Bishops.

That here has been a long time, and still is carrying on, a Design to subvert the Government and the Religion of this Nation, I perfectly agree with the Writer of *The Growth of Popery and Arbitrary Government*: But I with the Gentleman had nam'd, as he easily might, the Conspirators. If you will believe, against all Truth and Reason, the before mentioned Answer to the Declaration, they are center'd in his R. H. and He alone has been the Author of all the Ministers miscarriages, or the Chances of ill Fortune, that have hapned since the Kings Restauration. One might have thought Popery alone had been Crime enough to render him odious, without loading him with the Burden of others. Must they make him not onely presumptive Heir, but presumptive.

presumptive Criminal ? But I confess he that so much defames, and so irreverently treats the King, may with less hazard belie his Brother. The End is visible, That what Justice cannot, popular Fury and the Rabble should, take away the Being of that much injur'd Prince. Hence it is, he is said to have been the Author of the Fire of London : His never to be forgotten Pains and Diligence to suppress those Flames, are ill requited. He was then known to be a zealous Protestant, and could he joyn with the Papists, who are now call'd the Authors, in a mean so destructive of Religion ? And if that were the Design, what hindred its being effected ? If the Papists must not be acquitted, surely the Duke ought, in that the Phanatick Plotters executed in April before, confess'd at Tyburn, they had so contriv'd that fatal Scene, that it could not miscarry : And indeed the Event verified their Predition to a day, as to the Fire, though not to the rest of their intended Tragedy. When Nero set Rome on fire, he commanded Christians ad Leones ; an ill President for Christian Commonwealth : No man can make himself innocent, by throwing his Crimes upon others. But thus it fares with his R. H. as well in this, as in many more Instances. He is said to be the Author of the Popish Plot, though not onely Oates and Bedloe (the last confirming it at his Death) have acquitted him, but likewise my Lord Danby tells you, in his Printed Case, The King was so far from believing it, that it has never been brought upon the Stage, but for the D's Impunity. This alone, if there were not many more, is a sufficient Argument of his Innocence, and abhorrence of the Fact ; and yet now (torsooth) he must have revealed it after the King had given him the intimation, that the Conspirators might convey away their Papers. If so, I pray, why were Coleman's or any others found ? But it will appear on examination, that Beddingfield no sooner receiv'd the Packer, (of which how Doctor Tongue could inform the Earl of Danby, then in Oxfordshire, 27 miles beyond Windsor, so as to be with the King on that account within few hours after, is a Riddle) than he brought it to the Duke, telling him, there was mischief design'd to his R. H. in particular, or to himself, or the Papists in general, for that the inclosed Letters were forged, and one of them from Dr. Fogarthy, to whose Person as well as Name he was, till then, a perfect Stranger. This Packet the D. gave the K. that very day, about the last of August ; who looking on one of the Letters, said, he had seen the hand before. Some eight days after Sir Edmundbury Godfrey sent by Coleman the whole Discovery, with which the second time the D. acquainted His Majesty, who yet spoke not to the D. of the matter. The rest of that Libel is as false as these two Particulars, which therefore for brevity I pass over, no man in his Wits being able to think it needs any other Confutation than the Fire. But before I conclude, give me leave to tell you, That the D. has not onely exposed his Person on all occasions for the honour of the English Nation, but wherever he appear'd carried Victory along with him, which in his absence was not found. In the first War he beat the Dutch, in the second he got the better ; but in both, the change of Admirals alter'd our Success : And whatever false steps our Ministers have made, whole Battards are not to be laid at his doors, he is no otherwise accountable for them, than you or I, who had no power to resist. Every one knows who have been the publick and sole Managers of Affairs ; and these can witness, the D. could never be reckon'd in their Number. He had no hand in dividing the Fleet in the first War, nor in halting it up at Chatham before a Peace concluded. He was not privy to the Advice of breaking the Triple League, nor making an Alliance with France, which he no sooner heard, than he oppos'd, foretelling, with Cassimira's Fate, the Issue. He influenc'd not a War with Holland, nor setting upon their sea-ras-Fleet before a Breach declared. *Defenda est Carthago* was not his Sentence, nor his Act the shutting up the Exchequer ; nor was he the Author of Insurrections against the Bankers, nor of usurping the Commons Right of filling their own Vacancies, nor consequently, of the other Part or Link of this Chain and Contrivance, the Project of Indulgence ; though, to give him his due, he was for pursuing steadily Resolutions, when once taken ; the contrary would be a lessning of our Power, and a making us ridiculous at home and abroad. Afterwards, when these Measures were broken, and new ones embraced, he was for pursuing the Interest of England in defence of the Spanish Netherlands, and did as verily believe, and was as much impos'd upon, as the most credulous in England, that a War against France was then really purposed, when desired by both Houses, in 1673. His Preparations to hazard his Person in that Expedition, are notorious Evidences of this Truth. Yet such is his misfortune, that after

in his Endeavours for the good of his Country, he is reputed a *Lover of the French Interest*, though none be more hated by *that Crown*, (an undeniable proof of the malice of the Imputation) whose unwearied diligence has been formerly employ'd, and may now be well suspected to foment and keep up Divisions between the King and his Subjects, the only way to prevent our opposing his long-desired Dominion. An Observation that alone ought to invite us to an Union and a mutual Confidence, and to study in the Spirit of Moderation the healing of our Breaches; reminding, *That no Reason of State can be useful to the Publick, or justify any Actions contrary to the Laws of God and Nations*; That it is a shame and a reproach upon us abroad, and an Inconvenience at home; to have a *Plot* kept so long on foot, wherein all who should be found guilty upon unquestionable Evidence, might have been made long since Exemplary. A speedy and impartial Proceeding in this Case, without heat or passion, or consideration of Parties, or of Interest, will remove all our jealousies and Fears, settle us upon the immovable Rocks of Truth and Honour, and acquit and vindicate to the World, That an *English Parliament* is not influence'd by men whose Ambition leads them to study their own private, more than the Publick Good; That they serve their King and Country for Glory and for Conscience, not for Gain or Preference; That they design nothing but the preservation of their Rights, Liberties, and Religion, by the Methods of Peace and Prudence; which without doubt may be for ever secured by the Laws already in force, or other new Additions, notwithstanding a *Popish Sovereign*. The Kings of England have bound, and may again limit their Power by their own Consent in Parliament: But if this Truth be denied, because of that Maxim in our Laws, *The King can do no wrong*; it cannot, That their Ministers and Officers, who must be and are accountable for all, and punishable for Illegal Actions, may be so confin'd, as may make our Fears unreasonable of any Encroachments or Innovations; let never so many *Popish Princes*, much less any one, succeed. Whoever suggests the contrary, is impos'd upon by Ignorance, Interest, or the Malice of crafty and designing *Achizophels*, who prefer their particular Advantage to Religion and Liberty, no other way really to be endangered, but by barring the Divine Right of Succession; which once past into an Act, will, in case he survive, most certainly bring upon the *Three Kingdoms* Horror and Confusion, Desolation and Misery, and all the sad Effects of a *Civil War*. Evils so far from your Temper and Inclinations, that I need not caution you against so much madness and Folly, as inevitably attends the not regarding the Wise-mans Advice, *My son, fear God, and honour the King*; and meddle not with those that are given to change.

What I have written, I have written in obedience to your Commands, the love of Truth, and zeal for the Publick, being (as you know) neither Courtier nor Pensioner, never was, or like to be, addicted to Popery, nor obliged by King or Duke in any particular Grace or Favour; but being wholly Independent, and having something to lose, and sensible no others can suffer by War and Rebellion, I have used the same Freedom without, as I hope you will within doors, for preventing those Calamities which seem to do more than threaten the Nation; from which, nothing but Gods Providence, in the Wisdom and Moderation, Courage and Prudence of our King and Parliament, can defend this unhappy and distracted Kingdom.

F I N I S.